

Quarterly Report
OF THE
ATTORNEY GENERAL
OF
ALABAMA



FOR THE PERIOD
FROM JULY 1, 1973
THROUGH SEPTEMBER 31, 1973

WILLIAM J. BAXLEY, Attorney General

VOLUME 152

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Q U A R T E R L Y R E P O R T

of the

ATTORNEY GENERAL

of

A L A B A M A

For the Period

From July 1, 1973

Through September 31, 1973

**TO THE STATE, COUNTY, AND MUNICIPAL OFFICERS
OF ALABAMA:**

This Quarterly Report of the Attorney General of Alabama, which includes all official opinions rendered by the Attorney General from July 1, 1973 through September 30, 1973, is published in compliance with the provisions of Title 55, Section 228, Code of Alabama 1940.

Under this section of the Code, I am required to send seven copies of this Quarterly Report to each judge of probate in the State, and the judge of probate, in turn, is required to deliver one copy each to the clerk of the Circuit Court, the sheriff, the tax collector, the tax assessor, the county superintendent of education, and the deputy district attorney of his county. This section also requires that I send a copy of this report to each district attorney and the chief executive officer of each incorporated municipality in the State.

The office of the Attorney General is anxious to render prompt and efficient service to the State, County, and municipal officials. If you have any suggestions to make regarding the improvement of the service, I shall be glad to hear from you.

Sincerely,

WILLIAM J. BAXLEY

Attorney General

WILLIAM J. BAXLEY
Attorney General
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Deputy Attorney General

E. RAY ACTON
Executive Assistant

WALTER S. TURNER
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July 10, 1973

Honorable Thomas L. Rountree
Attorney
Blount County Hospital Board
204 Third Street, North
Oneonta, Alabama 35121

Audits — Hospitals — Reports.

Although County Hospitals are required under Title 22, Section 189(1), Code of Alabama 1940 (Recompiled 1958), as amended, to have their books and records audited annually, there is no provision requiring such audit reports to be published.

Opinion by Assistant Attorney General Hall.

Dear Sir:

Your request for an opinion dated March 16, 1973, is as follows:

"I am the attorney for the Blount County Hospital Board, which has jurisdiction over Blount Memorial Hospital in Oneonta, Alabama. This hospital is a Hill-Burton hospital supported by a 4-mill ad valorem tax. Is there a requirement under Alabama law that this hospital and/or the Board regulating and supervising the same publish periodic financial statements in a newspaper of local circulation?"

Title 22, Section 189(1), Code of Alabama 1940 (Recompiled 1958), as amended, provides for the annual audit of books and records of publicly owned medical institutions by a certified public accountant who is subject to the control of the Alabama State Board of Public Accountancy, and for the audit report prepared pursuant thereto to be addressed to the Chief Examiner of Public Accounts who shall be charged with the responsibility of processing and distributing the report as provided by law, and that, upon approval and acceptance, such audit report shall have the legal effect as a report of an Examiner of Public Accounts.

This Section also provides that the examinations and audits performed under this Section shall be made at the expense of the institution and not as an expense of the State of Alabama.

This Section further provides that such audit reports shall be public records open to public inspection and a copy of each report shall be kept on file at the institution concerning which the audit was made.

I find no provision requiring the publication of such audit reports.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

July 31, 1973

Honorable Edward W. Enslen
Judge of Probate
Elmore County
Wetumpka, Alabama 36092

Counties — Jails and Prisoners — Medical Care.

1. Title 45, Section 125, provides that medicines and medical care are to be provided at county expense only to those prisoners who cannot provide them for themselves. However, Federal Court decisions require that prisoners be provided basic, necessary medical care under the Eighth Amendment to the Constitution.

2. When the situation requires prompt action, a county jail prisoner may be hospitalized without a written order from a judge of the county court or a circuit court judge.

3. The hospital program for indigent prisoners [Title 22, Sections 204(55) through 204(72), Code of Alabama 1940, Recompiled 1958] does not apply to county jail prisoners.

Opinion by Assistant Attorney General Sorrells.

Dear Sir:

Your request for an official opinion is as follows:

"I would appreciate your official opinion on the three questions submitted herewith, to-wit:

"QUESTION 1. Are the medicines and medical attention provided prisoners incarcerated in the Elmore County Jail a county expense if such prisoner is not insolvent: (Title 45, Section 125)

"QUESTION 2. Is the written order of a circuit judge, or the judge of the county court of the county a prerequisite of the removal for hospitalization of a prisoner whose health may be seriously endangered by longer confinement in jail? (Title 45, Section 129)

"QUESTION 3. Would the Hospital Program for Indigent Alabamians apply to indigent prisoners? (Title 22, Article 7, Section 204(55) thru 204(72))."

First, Title 45, Section 125, Code of Alabama 1940, Recompiled 1958, reads as follows:

"Necessary clothing and bedding must be furnished by the sheriff or jailer, **at the expense of the county**, to those prisoners who are unable to provide them for themselves; **and also necessary medicines and medical attention to those who are unable to provide them for themselves.**" (Emphasis added.)

This section clearly states that the county is liable for the medical expenses of indigent prisoners only. However, recent Federal Court decisions have held that prisoners are entitled to necessary medical care under the Eighth Amendment to the United States Constitution.

Therefore, while a prisoner who is able to pay for his medical expense may be charged for such services, he may not be refused necessary medical care based on the fact that he is not indigent.

Secondly, Title 45, Section 129, Code of Alabama 1940, Recompiled 1958, reads as follows:

"When the life or health of any prisoner, who is not confined under process from any court of the United States, may be seriously endangered by longer confinement in jail, and that fact is made to appear clearly to any circuit judge, or to the judge of the county court of the county, such judge must, by an order in writing, direct the sheriff or jailer to remove him to some suitable place, or hospital, as near as may be to the jail, and there safely keep him until his health is sufficiently restored to authorize his recommitment to jail."

However, this section must be construed in light of Section 125, *supra*. When these sections are compared, it is evident that Section 129 does not deal with emergency situations. Section 115 of Title 45, Code of Alabama 1940, Recompiled 1958, makes the sheriff the legal custodian of prisoners. Therefore, he may remove a prisoner to a hospital without a court order when the situation requires prompt attention. This principle is supported by a former opinion of this office reported in **Quarterly Report of Attorney General**, Volume 34, page 43.

Finally, it is my opinion that the Hospital Program for Indigent Alabamians [Title 22, Article 7, Sections 204(55) through 204(72), Code of Alabama 1940, Recompiled 1958] does not apply to county jail prisoners. As defined by Section 204(56), an indigent is one who "... is unable to pay the cost of such hospitalization from his own resources or from the resources of those upon whom he is legally dependent. (Emphasis added.)

Title 45, Section 125, *supra*, provides that indigent jail prisoners are "legally dependent" on the sheriff and the county and, therefore, not eligible to receive benefits under the Hospital Program for Indigent Alabamians.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

August 2, 1973

Honorable G. H. Wright, Jr.
District Attorney
37th Judicial Circuit
Lee County Courthouse
Opelika, Alabama 36801

Gaming and Lotteries.

The State lottery prohibition laws (Section 65, Constitution of Alabama 1901, and Title 14, Section 75, Code of Alabama 1940, Recompiled 1958) prohibit the practice by a beverage bottling company of circulating, in approximately one out of fourteen of the bottle caps on its bottles, liners which may be redeemed for cash by any recognized community service organization.

Opinion by Assistant Attorney General Thompson.

Dear Mr. Wright:

Your letter of March 30, 1973, requesting an official opinion reads as follows:

"Title 14, Section 275, of the Code of Alabama 1940 as recompiled in 1958, prohibits the carrying on of a lottery in this state. "Complaint has been made to me that Royal Crown Bottlers of Columbus, Inc., producer of bottled drinks commonly known as Royal Crown Cola and Diet Rite Cola, has been conducting an advertising campaign in Lee County, Alabama, and probably in other parts of Alabama, that is possibly a lottery.

"The advertising material which this company is alleged to be distributing reads in part as follows:

"Royal Crown and Diet Rite Cola bottlers are circulating special bottle caps containing liners which may be redeemed for cash by any recognized community service organization. The maximum possible redemption value of these special donation liners to be distributed nationally is in excess of 7 million dollars with a minimum guaranteed payout of 1 million dollars to qualifying organizations.

"Look under RC and Diet Rite Cola bottle caps for these special donation liners which range in value from 10¢ to \$1.00. Approximately one out of every 14 caps will contain a donation liner. The rest have suggestions of other ways to help build a better America . . . your way.

“WHAT TO DO WHEN YOU FIND
SPECIAL CASH DONATION
LINERS
INSIDE OUR BOTTLE CAPS

“There are 3 ways you can make sure your favorite community service organization receives a cash redemption when you find a special donation liner:

“1. Turn it in to the local headquarters of your favorite community service organization.

“2. Take them in increments of \$1.00 total value to your local RC bottler and designate the organization you want to receive the redemption.

“Mail the liners (DO NOT MAIL METAL CAPS) in increments of \$1.00 total value to the BUILD A BETTER AMERICA address printed on the back side of this form, and designate the organization you want to receive the redemption. Attach liners only on this card or to an 8½" x 11" sheet of paper. Please do not mail liners unless attached to the card or paper, and DO NOT MAIL METAL CAPS UNDER ANY CIRCUMSTANCES.

“Liners may only be redeemed for cash by recognized community service organizations. If no organization is designated, or if the organization designated is not a recognized community service organization in the opinion of the sponsor, the redemption will be made to your local United Way Chapter.

“BUILD A BETTER AMERICA donation liners will be redeemed through December 31, 1973.”

“I have been informed that the ‘special bottle caps’ referred to in the above advertising material are affixed to bottles containing Royal Crown Cola and Diet Rite Cola which are sold by Royal Crown Bottlers of Columbus, Inc., to the general public.

“A copy of this advertising material is attached to this letter.

“I hereby request your opinion as to whether or not this advertising campaign constitutes a lottery prohibited by Title 14, Section 275, of the Code of Alabama of 1940, as recompiled in 1958.”

The gist of the advertising material is that approximately one in fourteen of the bottle caps on the company's bottles contains a liner which may be redeemed for cash by any “recognized community service organization.”

It is my opinion, based on legal authorities presented in succeeding paragraphs that such an advertising campaign is in violation of

the State laws prohibiting lotteries. However, it must be borne in mind that this is merely an expression of my opinion in regard to the facts presented. The ultimate determination of the question presented turns upon the actual facts and hence such determination falls within the province of a jury or court. It is not a matter upon which this office may conclusively decide.

The State laws defining and prohibiting lotteries are as follows: Section 65, Constitution of Alabama 1901, states:

"The legislature shall have no power to authorize lotteries or gift enterprises for any purposes, and shall pass laws to prohibit the sale in this state of lottery of gift enterprise tickets, or tickets in any scheme in the nature of a lottery; and all acts, or parts of acts heretofore passed by the legislature of this state, authorizing a lottery or lotteries, and all acts amendatory thereof, or supplemental thereto, are hereby voided."

Title 14, Section 275, Code of Alabama 1940, Recompiled 1958, states:

"Any person who sets up, carries on, or is concerned in setting up or carrying on any lottery or device of like kind, or any gift enterprises, or any scheme in the nature of a lottery or gift enterprise; or who sells or disposes of any lottery or gift enterprise ticket, or ticket in any scheme in the nature of a lottery or gift enterprise; or who shall receive money or take an order for any lottery or gift enterprise ticket, or ticket in any scheme in the nature of a lottery or gift enterprise; or who is interested or concerned in selling or disposing of any ticket in any lottery or gift enterprise, or scheme in the nature of a lottery or gift enterprise; or who shall act for or represent any other person in selling or disposing of any such ticket, shall, on the first conviction, be fined not less than twenty-five nor more than five hundred dollars; and, on the second conviction, shall be fined no less than fifty nor more than five hundred dollars, and shall also be imprisoned in the county jail, or sentenced to hard labor for the county, for not less than thirty nor more than ninety days; and on the third or any subsequent conviction, shall be fined not less than one hundred nor more than one thousand dollars, and shall also be imprisoned in the county jail, or sentenced to hard labor for the county, for not less than six nor more than twelve months."

I.

The first question for consideration is whether the bottle cap distribution and redemption practice falls within the definition of "lottery" and hence is prohibited under Alabama law.

A lottery is defined by the Alabama Supreme Court as (1) a prize,

(2) awarded by chance, (3) for consideration. The presence of all three elements is indispensable in rendering a commercial practice a lottery. **Grimes v. State**, 235 Ala. 192, 178 So. 73 (1937).

In **Try-Me Bottling Co. v. State**, 235 Ala. 207, 178 So. 231 (1938), the Alabama Supreme Court specifically held that the practice by a bottler, intended to advertise beverages, of stamping numbers under some of the crowns (or caps) of the beverage bottles and redeeming the crowns in the amount of the numbers, constituted a "lottery" and hence was within the constitutional prohibition of Section 65 and the statutory prohibition of Section 275.*

*The advertising material which was the subject of concern in **Try-Me Bottling Co.** is as follows

"Notice.

"It pays to Drink
Dixie-Cola
A Most Invigorating Beverage

Made from
Pure Harmless Ingredients
/ / / / / / / /
Only 5¢

"Many Dixie-Cola Crowns Are Valuable
Some are worth .05
Some are worth .10
Some are worth .25
Some are worth .50
Some are worth 1.00

"Always Look under the Cork in Dixie-Cola
Crowns for Premiums
(Trade Mark)
(Exhibit 'B')
Watch for
Valuable Bottle Tops
Whenever you see a Bottle Top
Stop and Examine It

"If it's a Dixie-Cola Top, lift Cork with the blade of your knife,
look for imprint on tin under cork,

Lots of These Crowns are Valuable

Drink
Dixie-Cola
Trade Mark

Except for one difference, the practice of Royal Crown Bottlers outlined in your letter appears to be identical to that in **Try-Me Bottling Co.** This difference is that the purchaser of A Royal Crown bottle does not receive directly, or physically (i.e., in hand), the cash awarded by the bottler, but merely determines how much and to whom the cash award will be made; whereas, the purchaser in the practice outlined in **Try-Me Bottling Co.**, directly receives the cash award. Since the purchaser does not directly receive the award, the question arises whether there is a "prize" within the definitional requirements of a lottery.

In **Grimes**, the Alabama Supreme Court stated that "it should be kept in mind that the (lottery) penal statute is directed to the operator (of the commercial practice). 235 Ala. at 193. And, accordingly, the Court in **Grimes**, in holding that the element "consideration" was present in a commercial practice, specifically phrased the question as follows: "Is there a consideration moving to him (the operator)?" 235 Ala. at 193.

"The talk of the Town'
And remember you always get Your
Moneys worth and more when
Buying Dixi-Cola

"Then too, like rare specimens of coin
many Dixi-Cola Crowns are valuable. Some worth 5¢
each, some 10¢, some 25¢, some 50¢, and some \$1.00.

"All crowns of value are Imprinted
underneath the cork.

"It's lots of fun and profitable too, to
look for these rare
Dixie-Cola Specimens."

Therefore, the question as to whether there is a prize present in a commercial practice turns upon whether there is a prize given by the operator, not upon whether the purchaser receives a prize.

As to the advertisement outlined in your letter, clearly, a prize is given by the operator of the commercial practice within the definitional requirements of a lottery. Royal Crown Bottlers offers a prize to the charitable organization selected by the purchaser of the bottle.

Therefore, since a prize is present, there appears to be no material difference between the practice by Royal Crown Bottlers and that outlined in **Try-Me Bottling Co.**; and hence, on the authority of **Try-Me Bottling Co.**, the practice of Royal Crown Bottlers is also prohibited by Alabama law.

II.

Another point for consideration is that according to the advertising campaign only charitable organizations may redeem the bottle caps.

The only provision in the law exempting charitable organizations from the application of the overall gaming prohibitions of the Code of Alabama 1940, Recompiled 1958, which includes the lottery prohibition, is Title 14, Section 258, Code of Alabama 1940, Recompiled 1958. This exemption is applicable only to billiard tables and only where the billiard tables are operated by charitable organizations. I think it is beyond question that this exemption is not applicable to the facts presented in your letter.

Furthermore, the Supreme Court has made clear that Section 275 of the Code and Section 65 of the Constitution do not exempt charitable organizations. **Mosley v. State**, 255 Ala. 130, 50 So. 2d 433.

III.

Finally, a question may arise from a possible finding that the lottery was set up in another state i.e., the bottles and bottle caps were manufactured in and distributed from another state — and only advertised and sold in Alabama.

In **Salomon v. State**, 27 Ala. 26 (1855), the Alabama Supreme Court held that the selling of lottery tickets in this State on behalf of a proprietor in another state, constitutes the carrying on of a lottery in violation of the Alabama lottery laws. From this case, it follows that the selling in Alabama of the beverage bottles and caps, though manufactured in another state, also constitutes the carrying on of a lottery and, therefore, is prohibited by Section 275 of the Code and Section 65 of the Alabama Constitution. See **Try-Me Bottling Co. v. State**, *supra*.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

August 3, 1973

Honorable Roy H. Phillips
City Attorney
City of Phenix City
Russell County
Post Office Box 1207
Phenix City, Alabama 36867

Attorney General — Constitutionality — Elections
— Fees — Municipalities.

1. A qualifying fee for candidates for municipal office may be fixed by ordinance only if such ordinance provides a method by which a pauper may become a candidate.
2. An opinion of the Attorney General is advisory only.
3. The constitutionality of an ordinance may be determined only by the courts.

Opinion by Assistant Attorney General Gish.

Dear Sir:

Your request for an official opinion dated June 26, 1973, is as follows:

"On October 6, 1970, the Board of Commissioners of the City of Phenix City adopted an Ordinance which provided in part 'There is hereby established a qualifying fee of Fifty (\$50.00) Dollars which shall be paid by all candidates who seek election to the Board of Commissioners of the City of Phenix City, Alabama, said qualifying fee shall be paid to the City Clerk at the time of the filing of the qualification papers with said City Clerk.' You will note that this Ordinance did not contain a provision for a person to sign an affidavit that he was unable to pay the \$50.00 qualifying fee. This Ordinance refers to the provisions of the Court of Alabama, as Recom-piled 1958, Title 37, Section 33(2).

"Please advise if you feel this Ordinance is unconstitutional because it does not contain provision for the person to sign an affidavit if he cannot pay the qualifying fee and also advise if you feel the Ordinance would be constitutional if a provision of this sort were added by amendment."

The statute to which you refer, now codified as Title 37, Section 33(2), Code of Alabama 1940, Recompiled 1958, provides that all municipalities in which the election of officers is controlled by the general laws of this State may establish and fix a qualifying fee for candidates, by ordinance, not to exceed \$50.00 for any office.

Under the provisions of a statute of local application to one of the municipalities of this State, a filing fee was required to be paid by candidates for municipal office. No other method was provided for becoming a candidate. This statute was found to be unconstitutional by the United States District Court for the Southern District of Alabama in **Thomas v. Mims et al.**, 317 Fed. Supp. 179. The opinion in said case reads, in part, as follows:

"The door should not be closed on reasonable, non-arbitrary, or non-exorbitant qualifying fees as an aid to 'screening out fictitious and trumped-up candidates' provided such tests that a 'candidate can get his name on the ballot in some other fashion, either by nominating petition, primary election, or pauper's affidavit,' are met."

Based upon the case of **Thomas v. Mims et al.**, supra, you are advised that the Ordinance of the City of Phenix City is unconstitutional. You are further advised that, in order to constitutionally impose a qualifying fee upon candidates, the Ordinance to which you refer must be amended to provide a reasonable method by which paupers may become candidates. The filing of a verified pauper's oath would be one such reasonable method.

Due to the nature of the problem presented, we should here specifically state that the opinions of the Attorney General are advisory only and afford to a public officer only that protection prescribed by Title 55, Section 241, Code of Alabama 1940, Recompiled 1958. An authoritative determination of the constitutionality of any municipal ordinance may be made only by the judicial branches of the governments of the State of Alabama and the United States of America.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

August 30, 1973

Honorable Lewis W. Headley
P. O. Box 471
Clanton, Alabama 35045

County Board of Education — Teachers — Merit System —
Officers and Offices — Candidates.

1. A public school teacher may be a candidate for membership on a county board of education.
2. An employee in the classified service of the state may be a candidate for public office upon obtaining a leave of absence and is not required to resign his position in the service in order to become such candidate.
3. One may serve in the classified service of the state and at the same time be a member of county board of education.
4. All former opinions of this office including the one in Quar-

terly Report of Attorney General, Volume 58, page 60, in conflict with this opinion are hereby overruled.

Opinion by Assistant Attorney General Madison.

Dear Mr. Headley:

I have your letter of July 19, 1973, which is as follows:

"Please check and see if for any reason that Mrs. Shirley Norman or Mr. Dave Norman could not run for member of Chilton County Board of Education. Mrs. Norman is a high school teacher here in our county. Mr. Norman works under the merit system. They are both highly qualified.

"After checking, please mail your findings to them at P. O. Box 510, Clanton, Alabama."

There is no legal reason why Mrs. Shirley Norman could not run for member of the Chilton County Board of Education provided her teaching duties are not affected thereby. Quarterly Report of Attorney General, Volume 141, page 26.

It is to be noted, however, that if elected to the Board the law provides that no member of the Board shall be an employee of the Board. Section 63, Title 52, Code of Alabama 1940, Recompiled 1958. It, therefore, appears that, if elected, the Board could not thereafter contract with her as a teacher in the same system over which the Board has jurisdiction. Biennial Report of Attorney General, 1934-36, page 70.

As to Mr. Dave Norman, it is assumed that he works as a classified employee under the state merit system or one with the same provisions as the state law as to prohibited political activities.

In an opinion reported in Quarterly Report of the Attorney General, Volume 58, page 60, it was ruled that Title 55, Section 317, Code of Alabama 1940, prohibits an employee in the classified service of the state from being a candidate for nomination or election to any public office; and is applicable during the pendency of candidacy for nomination in a party primary or election in a general election, whether opposed or unopposed; that leaves of absence for purpose of becoming a candidate are unauthorized.

However, it was ruled in said opinion that after election to the Legislature of Alabama, the person could again be employed in the classified service of the state and granted a leave of absence during legislative sessions and return to work after adjournment.

It is my opinion that Section 317, *supra*, does not prohibit a person in the classified service from being a candidate for public office during a period of time that he is not actually engaged in his duties as a classified employee; that if a leave of absence may be granted to a classified employee during legislative sessions it may also be granted to enable one to be a candidate for that position or any other public office.

The effect of the ruling in Volume 58, page 60, *supra*, is that one in the classified service must resign his position before he may be a candidate for public office. This, in my opinion, is unsound and contrary to rights guaranteed by both the state and federal constitutions.

I am of the opinion, therefore, that a person in the classified service of the state or body with similar laws may be granted a leave of absence for the purpose of seeking election to public office without the resignation requirement.

If Mr. Norman runs for the Board and is elected, he can also serve as an employee in the classified service.

All former opinions contrary to this opinion are hereby expressly overruled.

Cordially yours,

WILLIAM J. BAXLEY
Attorney General

September 20, 1973

Honorable J. Aronstein, Jr.
Director
Department of Planning and Development
City of Montgomery
Montgomery County
Post Office Box 1111
Montgomery, Alabama 36102

Airports — Counties — Municipalities —
Zoning.

County lines are not barriers to the exercise
of zoning control within the police jurisdiction
and airport jurisdiction of a municipality.

Opinion by Assistant Attorney General Gish.

Dear Sir:

Your request for an official opinion dated August 15, 1973, is as follows:

"Please furnish this office with official opinions concerning extra-territorial zoning authority of the City of Montgomery. Specifically, I am requesting opinions concerning the following:
"1. Act No. 730 of the 1953 Session of the Alabama Legislature authorizes municipalities to exercise zoning authority

for areas within two miles of municipally owned airports. In the event a municipally owned airport lies adjacent to a county line, would the zoning authority of the municipality, as conferred by this Act, extend into the adjacent county?

"2. Act No. 350 of the 1971 Session of the Alabama Legislature authorizes cities of a certain population class to exercise zoning authority within the police jurisdiction. In the event that the police jurisdiction of such a municipality extends into unincorporated areas of an adjacent county, does the municipality have the authority to exercise zoning authority in that portion of the police jurisdiction that lies within the adjacent county?

The territorial police jurisdiction of the City of Montgomery covers all adjoining territory within three (3) miles of the corporate limits of the municipality. Title 37, Section 9, Code of Alabama 1940, Recompiled 1958.

In the case of **City of Birmingham vs. Lake**, 243 Ala. 367, 10 So. 2d 24, the Supreme Court of Alabama, in considering police powers over areas within general police jurisdictions, held that county lines are not barriers to the exercise of such powers. Quarterly Report of Attorney General, Volume 97, page 10.

A municipality has no power to exercise zoning control within its police jurisdiction in the absence of enabling legislation. **Roberson v. City of Montgomery**, 285 Ala. 421, 233 So. 2d 69. Act No. 350, Acts of Alabama 1971, page 642, which is applicable to the City of Montgomery and which was enacted subsequent to the decision rendered in the **Roberson** Case, supra, authorizes the municipality to exercise zoning control within its police jurisdiction and creates the planning commission of the municipality.

The statute granting airport zoning powers to which you refer is now codified as Title 4, Chapter 5, Code of Alabama 1940, Recompiled 1958. Section 65 of said chapter grants zoning powers to a municipality in the area lying within two (2) miles of the boundary of any airport owned or operated by the municipality, except where a local act limits the territorial jurisdiction of a municipal planning board to the corporate limits of the municipality.

Premises considered, both your questions are answered in the affirmative.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

September 26, 1973

Honorable J. B. Dollar
Chief Accountant
Alabama Alcoholic Beverage Control Board
Administrative Building
Montgomery, Alabama

Municipalities — State — Penalties.

Municipalities have no authority to enforce a penalty against the State of Alabama.

Opinion by Assistant Attorney General McQueen.

Dear Sir:

Your request for an official opinion bearing date of August 8, 1973, is as follows:

"We have received utility bills which include amounts designated as late charges due to the fact that the bills were not paid within the time prescribed for payment by the utility. Payment of these bills occasionally runs past the designated due date due to various factors including poor mail service and the length of time required in vouchering and getting the warrants issued.

"We have been informed by the Comptroller's office that they cannot approve penalties or late charges for payment. We have also been informed by an attorney, Mr. Wade Drinkard, Linden, Alabama, who represents the City of Linden Utilities Board, that the Utilities Board will insist on payment of the late charges as billed.

"Please give us an opinion as to whether or not these penalties or late charges can be paid."

My answer to your request is that the ABC Board may not pay for late charges imposed against it by the City of Linden Utilities Board.

Cities and municipalities are political subdivisions of the State, each created by sovereign power in accordance with sovereign will, and each exercises such power and only such power as is conferred upon it by law. *Alexander v. State*, 247 Ala. 441, 150 So. 2d 204. A search of the statutes does not reveal that the legislature has conferred by law the authority for a municipal corporation to enforce a penalty against the State of Alabama or its agencies.

Therefore, since the late charges of a municipal light bill are in the nature of a penalty, you are advised that the ABC Board has no

authority to pay this penalty, neither does the City of Linden Utilities Board have the right to impose such penalty.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

I N F O R M A L O P I N I O N S

During the period covered by this Quarterly Report of the Attorney General, July 1, 1973 through September 30, 1973, the Attorney General rendered the following informal opinions. These informal opinions are not published in the Quarterly Report.

Subject	Addressee	Date	File. No.
— A —			
ABC BOARD			
Novelty Items — Trade Names	Paschal P. Vacca	Aug. 14	315
House Bill 1488	Ben L. Erdreich	Aug. 28	427
Veterans Clubs — Licenses	Charles A. Casmus	Sept. 28	Dept. of Veterans Affairs
AD VALOREM TAXES			
Ozark Homes, Inc.	Huey B. Holland	July 31	135
State Property — Private Lease	Arnold D. Debrow	Aug. 1	413
ALABAMA DEVELOPMENT OFFICE			
Factory Built Housing	Harold A. Hendrix	July 27	ADO
ALABAMA EDUCATION ASSOCIATION			
Teachers Salary Schedule	Paul R. Hubbert	Sept. 26	261
ALABAMA HISTORICAL COMMISSION			
Mobile Historical Commission	W. Warner Floyd	July 5	Ala. Hist. Comm.
Employees — State Health Program	Douglas C. Purcell	July 30	339
Expenditure — Historical State Survey	W. Warner Floyd	Aug. 15	266

Subject	Addressee	Date	File. No.
ALABAMA INSTITUTE FOR DEAF AND BLIND			
Bank Depository	Roy M. Robinson	July 16	402
ALABAMA PEACE OFFICERS ANNUITY AND BENEFIT FUND			
Year Defined Benefits	Virginia G. Bryant	July 2	APO
	Virginia G. Bryant	Aug. 24	APO
ALCOHOLIC BEVERAGES			
Dry County	W. S. Hindman	July 20	389
— B —			
BANKING DEPARTMENT			
County Lines	Robert I. Gullledge	Sept. 11	Banking Dept.
Out of State Finance Companies	Lehman J. Lewis	Sept. 6	Banking Dept.
BANKS AND BANKING			
Holding Company Stock	Doug Cook	Aug. 6	395
BOARD OF CORRECTION			
Time Served — County Jail	A. B. Ryer	Sept. 17	Board of Corr.
BOARDS OF EDUCATION			
Reimbursement — Convention	James L. Hunt	Aug. 2	403
Land Conveyance	W. Johnson McCall	Aug. 20	416
Vocational Fund Allocation	LeRoy Brown	Sept. 25	Education Dept.
Property Exchange	Harvey J. Wright	July 2	357
May Appropriate Funds	Ed Arnold, Jr.	July 23	392
School Buses — Disposal	Gene Bush	Sept. 6	431

Subject	Addressee	Date	File. No.
BOARD OF PARDON AND PAROLE Method of Nomination	Daniel B. Long	July 6	354
BOARD OF REGISTRARS Butler County	Butler County Board of Registrars	Sept. 21	266
BONDS Constitutional Amendments — Revenue Bonds	L. W. Noonan	Sept. 24	454
BONDSMAN Surety Owned Bond	Willis W. Holloway, Jr.	July 23	408
— C —			
CHOCTAW COUNTY Inferior Court — Peace Proceedings Supernumery Tax Assessor — Salary Change	E. Mark Ezell	Sept. 14	184
CIRCUIT CLERKS Collecting Costs — No Property Found Final Record Costs	E. Mark Ezell	Sept. 28	184
CITY OF ANNISTON Method of Conducting Elections	Stella Pierce W. Elsworth Haughton	July 2 July 17	374 380
CITY OF TUSCALOOSA Appropriation to Retarded Children Association	Robert M. Field J. Wagner Finnell	July 6 Sept. 28	359 218

Subject	Addressee	Date	File. No.
CIVIL DEFENSE			
Arrest Authority	Gerald D. Colvin	July 9	368
Coordinators — Political Office	Spencer Black	Sept. 13	430
Director — Member City Commission	C. Neal Pope	Sept. 26	459
CODE, TITLE 55, SECTION 483(19)			
Payment of Expenses — Transfers	Melba Till Allen	July 13	State Auditor
COMPETITIVE BID LAW			
Bid Required — Construction Deficiencies	John E. Adams	July 26	228
Original Bid — Minor Change Orders	Tom A. Goff	July 19	401
Public Libraries	Edward N. Scruggs	Sept. 28	456
Late Bids	L. M. Sims	Aug. 31	423
Exemptions	Cliff Evans	Sept. 26	8
Donations to Municipalities	Charles H. Younger	Sept. 24	255
CONSERVATION DEPARTMENT			
Bids for Contracts — Artists and Professionals	Claude D. Kelley	Sept. 25	Conservation Department
CORONERS			
County Where Death Occurred — Duty	Lesley Vance	July 16	334
CORRUPT PRACTICES ACT			
Political Ads — Name and Address	Elisha C. Poole	July 2	157
COSMETOLOGY			
Beauty Shops — Living Quarters	Ms. Billie K. Jehle	Sept. 28	State Board of Cosmetology

Subject	Addressee	Date	File. No.
COSTS AND FEES			
Collecting Costs — No Property Found	Stella Pierce	July 2	374
Final Record Costs	W. Elsworth Haughton	July 17	380
Deposit to Insure Payment Unconstitutional	Ben Stokes	Aug. 8	51
Surety Owned Bond — Face Amount Liability	Willis W. Holloway, Jr.	July 23	408
COUNTIES			
Montgomery — Fuel Tax on Military Bases	H. W. Suddath	July 2	16
Assistance to City Recreation Board	James L. Sawyer	July 23	391
Ballot Boxes — Nursing Homes	Walter P. Crownover	July 30	220
Expenditures — Revenue Sharing Funds	D. S. Lee	July 27	381
Contribution — Fellowship House	David B. Carnes	July 2	152
Revenue Sharing Funds — Senior Citizen's Jamboree	Lee M. Otts	July 16	333
Contract — Records Duplication	Maury Friedlander	July 5	9
Property Lease — County Commissioner	Joe F. Morrow	July 12	367
Building Code — Authority	W. Robert Merrill	July 20	317
Social Security — Discontinuance	Edna Reeves	July 20	State Agency For Social Security
Contract — Housing Project	Gray, Seay and Langford	July 11	369
Retirement Insurance Policy — Officials	A. W. Steineker, Jr.	July 9	Examiners of Public Accounts
Expenditure — City Fire Station	W. Robert Merrill	July 2	317
Expense Allowance — Outside Term of Office	Doug Hale	Aug. 2	394
Funds — Regional Planning Survey	Conrad M. Fowler	July 30	277

Subject	Addressee	Date	File. No.
Solid Waste Disposal — Charges	Ira L. Myers	July 30	Health Dept.
Work for Private Citizens — Compensation	Richard Walters	Aug. 6	411
Funds — Historical Site Survey	W. Warner Floyd	Aug. 15	266
Claims — Private Vehicles	Hiram Pitts	Aug. 31	202
Fees — General Fund	James D. Taylor	Aug. 20	419
Deputy Circuit Clerk — Salary	Myra C. Ward	Sept. 17	441
Board of Education — Gasoline Bids	Vaughan Hill Robinson	Sept. 18	442
Entitlement Funds — Limited Purposes	Charlie W. Thompson	Sept. 6	435
Civil Defense Coordinators — Political Office	Spencer Black	Sept. 13	430
Expense Accounts — Officials	Douglas Hale	Aug. 17	394
Boards of Health — Election	Thornton Fleming	Sept. 14	112
Records Disposition — Probate Judge	O. H. Florence	Sept. 12	254
Supernumery Tax Assessor — Another Office	Glenn O. DeShields	Aug. 17	422
Supernumery Tax Assessor — When Paid	Sam Drinkard	Aug. 20	418
Ambulance Service — Permission to Operate	Edward D. Robertson	Aug. 23	41
Vehicle Tags — Issuance By Mail	Solomon Tisdale	Sept. 18	447
Court of Law and Equity — Office Space	Idas Neal	Sept. 19	446
Tax Assessor — Clerical Help	Frank J. Green	Sept. 24	453
Ad Valorem Exemption — County Attorneys	Fred D. Gray	Sept. 28	369
Civil Defense Director — Commission Member	C. Neal Pope	Sept. 26	459
County Judge — Qualifications	F. A. Bellenger	Sept. 21	457

Subject	Addressee	Date	File. No.
COUNTY COMMISSION F.I.C.A. — Special Grants	William Powers	Sept. 7	434
COURTS Deposit — Insure Costs Payment	Ben Stokes	Aug. 8	51
COVINGTON COUNTY Damage Claims — Private Vehicles	Hiram Pitts	Aug. 31	202
	— D —		
DALE COUNTY Beer Tax — Treatment of Alcoholics	B. F. Williams	July 12	385
DEPARTMENT OF ARCHIVES AND HISTORY Surplus Records — Destroyed	Milo B. Howard, Jr.	Sept. 5	Archives and History
DEPARTMENT OF CIVIL DEFENSE Act 47 Appropriation — Continuing	Joe B. Hedrick	July 27	393
DEPARTMENT OF EDUCATION Teacher Insurance Funds — Transferral	LeRoy Brown	Sept. 26	Education Dept.
DEPARTMENT OF PUBLIC SAFETY Retirement System — 15 Percent Increase	T. L. Payne	Sept. 20	444
DISTRICT ATTORNEY USS ALA. Battleship Commission — Representation	Charles R. Butler, Jr.	Aug. 3	District Attorney
District Attorney — Secretary to Gas District	John Starnes	Sept. 26	440
Subpoena — County Grand Jury	R. Forrest Dobbins	Sept. 5	448

Subject	Addressee	Date	File. No.
DOG RACING			
Racing Commission Personnel —			
Betting Machines	Maurice A. Downing	July 11	372
Admission Tax Required	Maury Friedlander	Sept. 12	9
	— E —		
ELECTIONS			
Ballot Boxes — Nursing Homes	Walter P. Crownover	July 30	220
Probate Judge Duties — City Manager	G. Clyde Brittain	July 27	376
Political Ads — Name and Address	Elisha C. Poole	July 2	157
Locking Voting Machines —			
Candidate Withdrawal	William G. Hause	Sept. 17	437
Voter Identification	Robert C. Gafford	Sept. 27	458
	— G —		
GRAND JURIES			
Subpoena — County	R. Forest Dobbins	Sept. 5	448
	— H —		
HIGHWAY DEPARTMENT			
Expenditure — Turnpike Study	Ray D. Bass	Aug. 13	Highway Dept.
HOLDING COMPANIES			
Stock Ownership	Doug Cook	Aug. 6	395

Subject	Addressee	Date	File. No.
HOSPITALS			
Bid Required — Correcting Construction Deficiencies	John E. Adams	July 26	228
Funds to Non-Related Organizations — Lease Tax	Larry J. Messer	Aug. 17	417
HOUSING AUTHORITY			
Status Discussed Generally	Robert S. Thomas	Aug. 17	414
HOUSTON COUNTY			
Voting Machines Locked — Candidate Withdrawal	William G. Hause	Sept. 17	437
— I —			
IMPROVEMENT AUTHORITY			
Annuity Contracts — Board Members	William W. Watson	July 31	405
INCOME TAX			
College Courses For Teachers — Exemption	Paul R. Hubbert	Aug. 9	Teacher Retirement
INSURANCE			
Retirement Insurance— Elected County Officials	A. W. Steineker, Jr.	July 9	Examiners of Public Accounts

Subject	Addressee	Date	File. No.
— J —			
JEFFERSON COUNTY			
Ad Valorem Exemption —			
Low Rent Apartments	Earl T. Rogers	Aug. 28	307
Vestavia Hills — Maintenance Department	Thomas A. Dujanovic	Sept. 13	443
JUDGES			
Qualifications — County Judge	F. A. Ballenger	Sept. 21	457
JUNIOR COLLEGES			
Money — Retired Senior Volunteer Work	E. R. Knox	July 5	370
— L —			
LABOR UNIONS			
Public Employees — Strikes and			
Collective Bargaining	Henry B. Gray, III	Aug. 3	ABC Board
Municipalities — Dues Checkoff	Henry Hardy	Sept. 11	433
LAW ENFORCEMENT			
Salary Increase — Law			
Enforcement Officers	Dennis Porter	Aug. 21	420
Requirements — Sexual Equality	William R. Willard, Jr.	Sept. 11	366
Retirement Benefits — Marine Police	Walker Hobbie, Jr.	Aug. 20	262
Minimum Standards — Age	Joe R. Evans	Aug. 6	465
LEGISLATION			
Local Bill — Alteration	Charles Snell	July 6	363
Expense Accounts — County Officials	Douglas Hale	Aug. 17	394

Subject	Addressee	Date	File. No.
House Bill 1488	Ben L. Erdreich	Aug. 28	427
Supernumerary Tax Assessor — Salary Change	E. Mark Ezell	Sept. 28	184
Constitutional Amendment — Revenue Bonds	L. W. Noonan	Sept. 24	454
Residency Requirements — Legislators	H. L. Callahan	Sept. 26	463
LICENSE			
Vehicle Tag Issuance — Mail	Solomon Tisdale	Sept. 18	447
— M —			
MUNICIPALITIES			
Sewage Facilities — Constructed by Individuals	James W. Warr	July 17	Water Improvement Commission 378
Rezoning — After Public Hearing	F. E. Draper	July 23	
Housing Authority Chairman — Rural Mail Carrier	Phillip L. Green	July 13	382
Council Member — Residence Outside Town	Earl C. Cannon	July 13	386
City Recorder Powers — Juvenile Cases	James K. Haygood, Jr.	July 16	363
Compensation of Citizens — Injured by Policemen	James K. Haygood, Jr.	July 2	363
Free Electricity — Private Parking Lot	L. H. Gunter	July 9	358
Computer Lease — Bid Specifications	William Roy Willard, Jr.	July 11	366
City Clerk Appointed Deputy			
Recorder — No Compensation	B. A. Adams, Jr.	July 20	249
Refunds of Fines — Mayor Authorized	Larry Brewer	July 19	388

Subject	Addressee	Date	File. No.
Probate Judge Election Duties — City Manager	G. Clyde Brittain	July 27	376
Classified State Employee — Councilman	Mary M. Halladay	July 10	371
County Aid — Housing Project	Gray, Seay and Langford	July 11	369
Elections — City of Anniston	Robert M. Field	July 6	359
County Funds — Fire Station Construction	W. Robert Merrill	July 2	317
Expenditure — Regional Planning Survey	Conray M. Fowler	July 30	277
Councilman — Private Financial Dealings	Jimmy D. Brogden	July 31	400
City Limits — Taxes on Annexed Area	Frank Jackson	Aug. 1	406
Tax Levy — News Agencies	Jackson W. Stokes	July 27	407
Improvement Authority — Annuity Contracts	William W. Watson	July 31	405
Council Members — Powers And Duties	E. Joe Graham	Sept 4	432
Employee Promotion — Various Powers	A. J. Cooper	Aug. 15	88
Fairfield — Recreational Services	Grady M. Ellison	Aug. 20	426
Private Attorney Employed — Impeachment of Councilman	Jimmy D. Brogden	Sept 4	400
Industrial Board — Bond Issuance	L. R. Driggers	Aug. 31	174
Law Enforcement Officers — Salary	Dennis Porter	Aug. 21	420
Voting Machines Locked — Candidate Withdrawal	William G. Hause	Sept. 17	437
Expenditure — Local Public Schools	C. C. Lowrey	Sept. 4	436
Dues Checkoff — Union Employees	Henry Hardy	Sept. 11	433
Mayor — Dismissal of Policeman	John A. Adcock	Aug. 21	429
Housing Authority Discussed	Robert S. Thomas	Aug. 17	414
School Tax — Albertville	William C. Gullahorn, Jr.	Aug. 10	415
Ambulance Service — Permission to Operate	Edward D. Robertson	Aug. 23	41

Subject	Addressee	Date	File. No.
Eviction — Low Rent Projects	Ted Northington	Sept. 17	120
Vestavia Hills — Maintenance Department	Thomas A. Dujanovic	Sept. 13	443
Sewage Plant Operation — Contract	G. William Noble	Sept. 18	166
Elected Officers — Reside City Limits	Bessie Jones	Sept. 26	452
Bid Law — Specialized Services	Cliff Evans	Sept. 26	8
Roads Jurisdiction — County	James H. Weaver, Jr.	Sept. 18	455
Disabled Employee — Payment	Oris E. Davis	Aug. 31	461
Privilege License Taxes Discussed	G. F. Austin, Jr.	Aug. 31	464
Bid Law — Donations	Charles H. Younger	Sept. 24	255
Prohibitive License — Business	John C. Williams	Sept. 28	200
Housing Authority Purchases — Councilmen	A. J. Cooper, Jr.	Aug. 9	88
Practice of Law — Mayors	A. J. Cooper, Jr.	Aug. 9	88
Civil Service Board Power — Police Exams	Woodrow W. Wilson	Aug. 3	267
MARSHALL COUNTY			
Circuit Clerk — Travel Expenses	Jean C. Albert	July 2	360
MEDICAL CLINIC BOARD			
Property — Out of State Agency — Sales Tax	Patrick H. Clark	Aug. 3	397
MERIT SYSTEM			
State Employee — Councilman	Mary M. Halladay	July 10	371
MILITARY DEPARTMENT			
Expenditure — Quarterly Allowance	Charles A. Rollo	July 30	Military Dept.

Subject	Addressee	Date	File. No.
MOBILE COUNTY			
Racing Commission —			
Non-resident Personnel	Maurice A. Downing	July 11	372
Law Library — Sales and Use			
Tax Exemption	Margaret M. Prendergast	Aug. 15	425
Mobile Historic Commission — Funds	W. Warner Floyd	July 5	Alabama Historic Commission
Residential Property Discussed	Arnold D. Debrow	Sept. 24	413
MONTGOMERY COUNTY			
Auxiliary Deputies — County Vehicles	M. S. Butler	Aug. 30	270
MORGAN COUNTY			
Board of Health — Election	Thornton Fleming	Sept. 14	112
	— P —		
PERRY COUNTY			
Revenue Sharing Report —			
Newspaper Publication	Claude Thompson	Sept. 7	439
POLICE			
Mayoral Authority — Policeman Dismissal	John A. Adcock	Aug. 21	429
Local Civil Service Boards —			
Police Exams	Woodrow W. Wilson	Aug. 3	267
PRISONS AND PRISONERS			
County Prisoners — Industrial			
"Good Time"	W. Bond Reeves	Aug. 6	410
PROBATE JUDGES			
Election Duties — City Manager	G. Clyde Brittain	July 27	376

Subject	Addressee	Date	File No.
Disposition of Records	O. H. Florence	Sept. 12	254
Wage Freeze — Local Government Employees	Ira H. Weissinger	Aug. 16	421
Instrument — Preparator's Signature	Wallace K. Brown	Sept. 19	445
Jurisdiction — Peace Proceedings	E. Mark Ezell	Sept. 14	184
PUBLIC LIBRARIES			
Competitive Bid Law	Edward N. Scruggs	Sept. 28	456
PUBLIC OFFICERS			
Expense Allowance — Outside			
Term of Office	Doug Hale	Aug. 2	394
PUBLIC SERVICE COMMISSION			
Transportation of Members by Utilities — Official Business	Kenneth Hammond	Aug. 23	Public Service Commission
PUBLIC UTILITIES			
May Not Back - Bill Consumers	George W. Parker	Sept. 5	396
Condemnation of Land — Reasonable Necessity Doctrine	Sam W. Taylor	Sept. 4	428
	— R —		
RANDOLPH COUNTY			
Entitlement Funds — Purposes Limited	Charles W. Thompson	Sept. 6	435
REGIONAL PLANNING AND DEVELOPMENT COMMISSION			
Employer's Retirement Contributions Returned — General Program Use	John R. Phillips	Aug. 2	46

Subject	Addressee	Date	File No.
Certification Requirements	Dean Y. Matthews	Sept. 13	379
RETIREMENT SYSTEM			
15% Increase — All Participants	T. L. Payne	Sept. 20	444
REVENUE SHARING			
Funds — Cost of Reapportionment	G. Kyser Leonard	Aug. 29	327
County Revenue Sharing Reports — Publication	Claude Thompson	Sept. 7	439
REVENUE DEPARTMENT			
Retirement Contributions Discussed	Charles A. Boswell	Aug. 29	Revenue Dept.
	— S —		
SALES TAX			
Exemption — Property For Out of State Agency	Patrick H. Clark	Aug. 3	397
SANITARIANS			
Qualifications — Certification	Ira L. Myers	July 12	Health Dept.
SCHOOLS			
Municipal Funds — Benefit Public Schools	C. C. Lowrey	Sept. 4	436
Teachers — Continuing Service Status	Harold R. Collins	July 31	237
School Buses — Disposal	Gene Bush	Sept. 6	431
SHELBY COUNTY INFERIOR COURT			
Civil Rules and Procedure — Application To Court	L. C. Payne	July 2	356

Subject	Addressee	Date	File No.
SHERIFFS			
Alcoholic Beverages — Dry County	W. S. Hindman	July 20	389
Auxiliary Deputies — County Vehicles	M. S. Butler	Aug. 30	270
Public Pool Tables — City Limits	Beason B. Walker	Sept. 25	449
Expenses — Prisoner Transferral	Harry Sizemore	Sept. 28	90
SOCIAL SECURITY			
Discontinuance — Method	Edna Reeves	July 20	State Agency For Social Security
Employees Paid From Special Grants	William Powers	Sept. 7	434
STATE			
Moving Expenses — \$500 Limit	Melba Till Allen	July 13	State Auditor
Municipal Water Works Board — Accountant	Melba Till Allen	Aug. 28	State Auditor
STATE BOARD OF HEALTH			
Sanitarian Certification — Qualifications	Ira L. Myers	July 12	Health Dept.
Physicians Discussed	Bert Bank	Aug. 6	70
STATE BOARD OF PHARMACY			
Controlled Substances Act — Pharmacist Registration	James W. McLane	July 5	Pharmacy Board
STATE BUILDING COMMISSION			
May Lease State Office Building	State Building Commission	Aug. 17	State Building Commission

Subject	Addressee	Date	File No.
-- T --			
TALLADEGA COUNTY			
Branch Banking — County Lines	Robert I. Gulledge	Sept. 11	Banking Dept.
TAX ASSESSORS			
Ad Valorem Exemption — Ozark Homes, Inc.	Huey B. Holland	July 31	135
Property Leased By State To Private Persons	Arnold D. Debrew	Aug. 1	413
Supernumerary Tax Assessor — Dual Office Holding	Glenn O. DeShields	Aug. 17	422
Supernumerary Tax Assessor — Payment of Salary	Sam Drinkard	Aug. 20	418
TAXATION			
Fuel Tax — Military Bases	H. W. Suddath	July 2	16
Law Library — Sales and Use Tax	Margaret M. Prendergast	Aug. 16	425
City of Albertville — School Tax	William C. Gullahorn, Jr.	Aug. 10	415
Tax Refund — Mistaken Payment	W. Candler McGowan	Sept. 17	450
Ad Valorem — Low Rent Apartments	Earl T. Rogers	Aug. 28	307
"All Residential Property" Discussed	Arnold D. Debrew	Sept. 24	413
Ad Valorem Exemption — County Attorneys	Fred D. Gray	Sept. 28	369
Privilege License Taxes — Municipalities	G. F. Austin, Jr.	Aug. 31	464
TEACHERS			
Cost of College Work	Paul R. Hubbert	Aug. 9	Teacher Retirement Fund
Continuing Service Status — Requirement	Harold R. Collins	July 31	237

Subject	Addressee	Date	File No.
TUSCALOOSA COUNTY			
Public Pool Tables — City Limits	Beason B. Walker	Sept. 25	449
	— U —		
UNIVERSITY OF ALABAMA			
May Borrow Money — Student Loans	J. Rufus Bealle	July 9	387
	— V —		
VETERANS AFFAIRS			
Veteran Clubs — Liquor Licenses	Charles A. Casmus	Sept. 28	Veterans Affairs
“Bona Fide Resident” Discussed	Walter C. Head	Sept. 25	Veterans Affairs
VOTERS			
Ballot Boxes — Nursing Homes	Walter P. Crownover	July 30	220
Voter Identification	Robert C. Gafford	Sept. 27	458
VOTING RIGHTS ACT			
Legislation — Submission For Conformance	Joe Fine	July 24	85
	— W —		
WAGES			
Wage Freeze — Local Government Employees	Ira H. Weissinger	Aug. 16	421

Subject	Addressee	Date	File No.
WATER IMPROVEMENT COMMISSION Water Treatment Facilities — Approval of Plans	James W. Warr	July 30	Water Improve- ment Commission
"Stream" — Classified and Unclassified	James W. Warr	July 11	Water Improve- ment Commission
Water Use Classification	James W. Warr	Aug. 10	Water Improve- ment Commission
Treated Waste — Dry Ditch	James W. Warr	Sept. 17	Water Improve- ment Commission
Groundwaters — Waste	William T. Manasco	Sept. 17	Water Improve- ment Commission
WINSTON COUNTY Court of Law and Equity — Office Space	Idas Neal	Sept. 19	446